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children of several persons. See 2 JARMAN, WILLS, 6 ed., 1711. This is true where the gift is to the children of X. and Y. in equal shares. *Armitage v. Williams*, 27 Beav. 346; *Budd v. Haines*, 52 N. J. Eq. 488, 29 Atl. 170. So also where it is to the children of X. and the children of Y. *Lady Lincoln v. Pelham*, 10 Ves. Jr. 166; *Britton v. Miller*, 63 N. C. 268. A gift to X. and Y. and their children is treated in the same way. *Cunningham v. Murray*, 1 De G. & Sm. 366. And so is a gift to a class and their children. See *Almand v. Whitaker*, 113 Ga. 889, 890, 39 S.E. 395. "Bodily heirs" as used in the principal case must mean children. Where words importing equal division are used, as in the principal case, a presumption is raised in favor of giving *per capita*. *In re Stone*, [1895] 2 Ch. 196, 201; *Kling v. Schnellbecker*, 107 Ia. 636, 638, 78 N. W. 673. This presumption, however, yields to very slight evidence of a different intention in the context of the will. See *Scott's Estate*, 163 Pa. St. 165, 169; 2 JARMAN, WILLS, 6 ed., 1712. Had the gift in the principal case been substitutional, *i. e.*, to several persons or their children, a different result would have been reached. *Congreve v. Palmer*, 16 Beav. 435. See *Kling v. Schnellbecker*, 107 Ia. 636, 639, 78 N. W. 673, 674.

WITNESSES — PRIVILEGE AGAINST SELF-INCRIMINATION — USE IN EVIDENCE OF BANKRUPT'S BOOKS IN POSSESSION OF TRUSTEE. — The defendant's books were taken over by a receiver and afterwards by a trustee in bankruptcy. They were used against him without his knowledge in subsequent proceedings before the grand jury. *Held*, that the defendant's constitutional right not to be compelled to be a witness against himself was not violated. *United States v. Halstead*, 40 Wash. L. Rep. 23 (D. C., Ct. App., Jan. 2, 1912).

The constitutional sanction of the common-law privilege against self-incrimination forbids compelling a person to act affirmatively in furnishing evidence against himself. See 4 WIGMORE, EVIDENCE, §§ 2252, 2263, 2264. The production of documents under a *subpœna* or other process treating him as a witness may be refused. *Boyle v. Smithman*, 146 Pa. St. 255, 23 Atl. 397; *Lamson v. Boyden*, 160 Ill. 613, 43 N. E. 781. But articles obtained by search, whether legal or not, may be admitted in evidence without violating the privilege. *Gindrat v. People*, 138 Ill. 103, 27 N. E. 1085; *Adams v. New York*, 192 U. S. 585, 24 Sup. Ct. 372. But see *Boyd v. United States*, 116 U. S. 616, 633-635, 6 Sup. Ct. 524, 532-534. A bankrupt must deliver his account-books to a receiver, although they contain incriminating information. *Matter of Harris*, 221 U. S. 274, 31 Sup. Ct. 557. *Contra*, *In re Kanter*, 117 Fed. 356. And they may afterwards be used as evidence against him. *Kerrch v. United States*, 171 Fed. 366. But *cf.* *Blum v. State*, 94 Md. 375, 51 Atl. 26. Where, as in the principal case, the books have been delivered to a trustee, there is an additional reason for reaching the same result. The trustee is vested by operation of law with title to the bankrupt's property. BANKRUPTCY ACT OF 1898, § 70 a (1). See *In re Hess*, 134 Fed. 109, 111. Therefore, its use before the grand jury cannot be a violation of his constitutional rights. Thus, through the trustee as intermediary, a person may have to divulge information which cannot be got directly. But "that is one of the misfortunes of bankruptcy if it follows crime." See *Matter of Harris*, 221 U. S. 274, 279, 31 Sup. Ct. 557, 558.